

U.S.A. vs

Nickolas Maggiore

No.

08mj1635

The Court finds excludable delay, under the section indicated by check (✓),

commenced on 5-28-08 and ended on \_\_\_\_\_; ( )  
and ended on 6-2-08. ( )

- 3161(h)  
☐ (1) (A) Exam or hrg for **mental or physical incapacity**  
☐ (1) (B) **NARA** examination (28:2902)  
☐ (1) (D) State or Federal trials or **other charges pending**  
☐ (1) (E) **Interlocutory appeals**  
☐ (1) (F) **Pretrial motions** (from flg to hrg or other prompt dispo)  
☐ (1) (G) **Transfers from other district** (per FRCrP 20, 21 & 40)  
☐ (1) (J) **Proceedings under advisement** not to exceed thirty days  
☐ Misc proc: Parole or prob rev, deportation, **extradition**  
☐ (1) (H) **Transportation** from another district or to/from examination or hospitalization in ten days or less  
☐ (1) (I) Consideration by Court of **proposed plea agreement**  
☐ (2) **Prosecution deferred** by mutual agreement  
☒ (3) (A) (B) **Unavailability of defendant or essential witness**  
☐ (4) Period of **mental or physical incompetence** of defendant to stand trial  
☐ (5) Period of **NARA commitment or treatment**  
☐ (6) **Superseding indictment and/or new charges**  
☐ (7) **Defendant awaiting trial of co-defendant** when no severance has been granted  
☐ (8) (A) (B) **Continuances** granted per (h)(8)-use "T" alone if more than one of the reasons below are given in support of continuance  
☐ (8) (B) (i) 1) Failure to grant a **continuance** in the proceeding would result in a **miscarriage of justice** and the ends of justice outweigh the best interest of the public and the defendant in a speedy trial.  
     **(Continuance - miscarriage of justice)**  
☐ 2) Failure to grant a **continuance** of the trial would result in a miscarriage of justice as the defendant has tendered a guilty plea to a magistrate judge and is awaiting a determination as to whether the plea will be accepted.  
     **(Continuance - tendered a guilty plea)**  
☐ (8) (B) (ii) 2) **Case unusual or complex**  
☐ (8) (B) (iii) 3) **Indictment** following arrest **cannot be filed** in thirty (30) days  
☐ (8) (B) (iv) 4) **Continuance** granted in order to obtain or substitute counsel, or give reasonable time to prepare  
     **(Continuance re counsel)**  
☐ 3161(I) Time up to **withdrawal of guilty plea**  
☐ 3161(b) **Grand jury indictment time extended** thirty (30) more days

Date 5/28/08

JMA  
Judge's Initials

A  
B  
C  
D  
E  
F  
G  
H  
6  
7  
I  
M  
N  
O  
P  
R  
T  
T1  
T2  
T3  
T4  
U  
W